

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JUAN DAVILA-BAJANA,	)	Civil Action No. 04-253E
	)	
Plaintiff,	)	Hon. Sean J. McLaughlin
	)	United States District
v.	)	Judge
	)	
TIM HOLOHAN, <u>et al.</u> ,	)	Hon. Susan Paradise Baxter
	)	Chief United States Magistrate
Defendants.	)	Judge
	)	
	)	ELECTRONICALLY FILED
	)	

DEFENDANTS' MOTION FOR ENLARGEMENT OF TIME  
TO FILE PRETRIAL STATEMENT

AND NOW, come Defendants, Tim Holohan, et al., through counsel, Mary Beth Buchanan, United States Attorney for the Western District of Pennsylvania, and Paul D. Kovac, Assistant United States Attorney for said district, and, pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, respectfully move the Court to issue an Order enlarging the time within which Defendants may file their Pretrial Statements. In further support of this Motion, Defendants aver as follows:

1. On December 15, 2006, this Court issued a Text Order directing Plaintiff to file his pretrial narrative statement by January 10, 2007, and directing Defendants to file their pretrial narrative statement by February 9, 2007.

2. Plaintiff never filed a pretrial narrative. Instead, Plaintiff requested an extension of time to file a response to Defendants' Motion to Dismiss. The Court granted this extension request and ordered Plaintiff to file his response by

February 16, 2007 and his Pretrial Narrative by March 30, 2007. Again, no pretrial statement was filed by this date and the Court issued Plaintiff an Order to Show Cause on April 3, 2007, directing Plaintiff to explain why his pretrial statement was never filed. On April 6, 2007, Plaintiff responded with an extension which was denied by the Court on April 9, 2007. At present, Plaintiff still has not filed his pretrial statement and Defendants' statement is currently due on April 13, 2007.

3. Defendants should have the benefit of first seeing Plaintiff's pretrial narrative prior to filing their own. Accordingly, Defendants respectfully request an Order permitting them to file a pretrial Statement 14-days after the filing of Plaintiff's pretrial statement. A Proposed Order is attached.

Respectfully submitted,

MARY BETH BUCHANAN  
United States Attorney

s/ Paul D. Kovac  
PAUL D. KOVAC  
Assistant U.S. Attorney  
Western District of Pennsylvania  
U.S. Post Office & Courthouse  
700 Grant Street, Suite 4000  
Pittsburgh, PA 15219  
(412) 894-7489

Dated: April 9, 2007

**CERTIFICATE OF SERVICE**

I hereby certify that on this 9<sup>th</sup> day of April, 2007, I electronically filed and mailed via first-class U.S. mail, a true and correct copy of **DEFENDANTS' MOTION FOR ENLARGEMENT OF TIME TO FILE PRETRIAL NARRATIVE** to the following:

Mr. Juan Davila-Bajana  
Plaintiff Pro Se  
Reg. No. 47580-053  
FCI-McKean  
P.O. Box 8000  
Bradford, PA 16701

s/ Paul D. Kovac  
PAUL D. KOVAC  
Assistant U.S. Attorney